



Practitioner's Docket No.: 885_001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Klaus FAHRLÄNDER and Dierk TILLE

Ser. No.: 10/809,258

Group Art Unit:

Filed: March 25, 2004


Examiner: Not Assigned

Confirmation No: 6909

For: DEVICE FOR MEASURING PATHS AND/OR POSITIONS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 23, 2004 under "EXPRESS MAIL" mailing label number EV 375594181 US.


Melissa T. Kuczynski

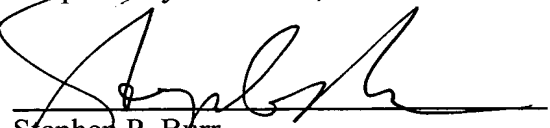
**SUBMISSION OF TRANSLATION OF INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

Sir:

Attached is an English translation of the International Preliminary Examination Report in connection with the PCT Application from which the above-referenced application claims priority under 35 USC §120.

The Examiner is requested to confirm receipt and consideration of the attached translation.

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

July 23, 2004
Date

SPB/mtk

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320



PATENT COOPERATION TREATY

PCT/DE2002/00365

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

OTTEN, Herbert
Karlstrasse 8
88212 Ravensburg
ALLEMAGNE

Eingegangen am
25. Mai 2004
Patentanwälte

Date of mailing (<i>day/month/year</i>) 13 May 2004 (13.05.2004)	
Applicant's or agent's file reference M 6909-PC	IMPORTANT NOTIFICATION
International application No. PCT/DE2002/003653	International filing date (<i>day/month/year</i>) 26 September 2002 (26.09.2002)
Applicant MARQUARDT GMBH et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Athina Nickitas-Etienne

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 95



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M 6909-PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2002/003653	International filing date (day/month/year) 26 September 2002 (26.09.2002)	Priority date (day/month/year) 27 September 2001 (27.09.2001)
International Patent Classification (IPC) or national classification and IPC G01D 5/14		
Applicant MARQUARDT GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18 March 2003 (18.03.2003)	Date of completion of this report 04 March 2004 (04.03.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2002/003653

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 4-8, as originally filed
 pages _____, filed with the demand
 pages 1,2,3a,3b,3c, filed with the letter of 06 February 2004 (06.02.2004)
- ☒ the claims:
 pages 2-5,7-9, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1,6, filed with the letter of 06 February 2004 (06.02.2004)
- ☒ the drawings:
 pages 1/4-4/4, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 02/03653

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6, 9	YES
	Claims	1-5, 7, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. TECHNICAL FIELD

The present invention relates to a position measuring system.

2. PRIOR ART

This report makes reference to the following documents cited in the search report:

D1: EP-A-1 099 929

D2: EP-A-0 907 068

D3: WO 97 16736 A

3. NOVELTY - PCT ARTICLE 33(2)

3.1 Independent claim 1

D1 (see, in particular, column 1, lines 5-9; column 2, lines 14-38; column 3, line 32 - column 5, line 17; figures 1 and 3) discloses:

a displacement and/or position measuring system comprising a magnet (1) and a sensor (7) that detects the magnetic field intensity, the magnet (1) being secured to a movable element (5) (see column 4, lines 21-25) and having a ramp shape so that the magnetic field strength exhibits a varying curve along an axis of the magnet (1) (see column 4, lines 56-58, and figure 3), it being possible to cause the

sensor and the magnet to move relative to one another substantially in the direction of the axis of the magnet (1) by means of the movable element (5), so that the displacement of the movable element (5) can be determined on the basis of the magnetic field strength detected by the sensor (7) (see column 4, lines 31-33).

All the technical features of claim 1 are known from D1. The subject matter of claim 1 is therefore not novel.

The subject matter of claim 1 is also anticipated by D2 (see column 1, lines 3-12 and 34-55; column 2, lines 8-28; and figure 1) and D3 (see page 2, lines 16-21; page 3, line 27 - page 5, line 10; figures 1 and 2).

3.2 *Dependent claims 2-5, 7 and 8*

The subject matter of dependent claims 2-5, 7 and 8 is also known:

- claim 2: see D1, column 4, lines 31-33; D2, column 1, lines 13-16; or D3, page 5, lines 3-6;
- claim 3: see D1, column 4, lines 25-26; D2, column 1, lines 3-8, or D3, page 4, lines 15-16;
- claim 4: see D1, column 2, line 22; column 3, lines 32-35; column 4, lines 56-58; figures 1 and 3.
- claim 5: see D1, column 3, lines 53-54;
- claim 7: see D2, column 2, lines 14-18; figure 1; or D3, page 4, lines 2-4; figure 1;
- claim 8: see D3, page 5, lines 28-29; page 6, lines 4-5; figures 3 and 4.

4. The subject matter of dependent claims 6 and 9 represents simple variants of the position measuring

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 02/03653 .

system which are certainly expert and non trivial,
but which do not involve an inventive step.